IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2161 OF 2002

The West Coast Paper Mills Ltd. ..Petitioners

Vs.

The West Coast Paper Mills
Employees' Union and Anr. ..Respondents

Mr.C.U.Singh a/w Baliya and Sushma Joshi i/b Harish Mehta and Co. for the petitioners

Mr.A.V.Bukhari a/w Mr.Kishor Shetty for the respondents

CORAM : S.U.KAMDAR, J
DATED : 16TH MARCH, 2006

P.C.:

. By consent of the parties, the following order is passed:

1. The impugned award dt.30.4.02 passed by the Learned Labour Court in Reference no.(IDA) No.489 of 1988 is quashed and set aside. The following additional issue is framed:

Whether on the facts of the present case, the re-organisation of business of the 1st party employer amounts to change of conditions of service u.s.9A of the Industrial Disputes Act, 1947.

2. The Trial court is directed to reconsider the evidence as existing and on the basis of pleading and evidence before me to determine the issues which are framed and the additional issue which is framed herein and give a fresh award and judgment by considering the entire matter afresh. The Trial Court is further directed to complete and pass an award on or before 31.7.06. Parties are directed to appear before the Trial Court on 10.4.06. Writ Petition is disposed of accordingly. There shall be no order as to costs.